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4 September 1983*Questions Remain Over Judicial Review of Director's Decisions***C.I.A. Data Access Runs Into Snags**

By ROBERT PEAR

WASHINGTON — In the spring, when it looked as if the Central Intelligence Agency and the American Civil Liberties Union might agree on amendments to the Freedom of Information Act, many people saw a case of curious bedfellows.

It was a surprise to see the agency abandon its drive for complete exemption from the disclosure law. It was perhaps even more remarkable to see the civil liberties union willing to consider a new exception to a law that the A.C.L.U. itself describes as "one of the most important pieces of legislation ever enacted by Congress."

Under the proposal, offered by Senator Barry Goldwater, Republican of Arizona, the agency's "operational files," which show how it gathers intelligence, would be exempt from disclosure, and the agency would not have to search such files in response to Freedom of Information requests. But unclassified political, economic and scientific intelligence would still be accessible to the public and citizens could still tap agency files to obtain information about themselves.

The C.I.A. helped draft the bill. John N. McMahon, Deputy Director of Central Intelligence, promised that if the operational files were exempt from search and review, "the public would receive improved service from the agency under the Freedom of Information Act without any meaningful loss of information now released." He said he "hoped" the agency could substantially reduce the two- to three-year wait that requesters must now endure.

So far as can be ascertained, both the agency and the civil liberties union entered negotiations in good faith. Senator Joseph R. Biden Jr., Democrat of Delaware, said the bill reflects a rare "spirit of moderation and compromise." But as Government officials, lawyers, historians and journalists dissected the bill during two days of hearings before the Senate Select Committee on Intelligence in June, it became evident that many features of the bill needed to be clarified or refined. Mark H. Lynch of the A.C.L.U. said his organization would support the bill only if such questions were resolved.

Allan Adler, a lawyer at the A.C.L.U., insisted that his group had made "no deal" with the C.I.A. "We are regarded as a leading watchdog in the area of Freedom of Information," he said, "so some people may have been surprised that we didn't reflexively oppose the bill." But, he added, it is "wholly unacceptable" for the agency to have a long backlog of Freedom of In-

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Associated Press
John N. McMahon

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